

### **REMARKS/ARGUMENTS**

Claims 1-10, 12-13, 15, 17-19, 21-23, 25-34, 36-37, 39-43, and 45-47 are pending in this application.

#### **INTERVIEW**

Applicants appreciate the courtesy extended by the Examiner and his Supervisor during a telephone interview with the undersigned attorney. During that interview, the present amendment was discussed for overcoming the rejections in the most recent Office Action.

#### **CLAIM REJECTIONS UNDER 35 USC 102(E)**

Claims 1-3, 11-27 and 35-48 are rejected under 35 USC 102(e) as being anticipated by US patent no. 6,940,545 to Ray et al. Claims 11, 14, 16, 20, 24, 35, 38, 40, 44 and 48 have been canceled rendering their rejection moot. Each of claims 1-3, 12-13, 15, 17-19, 21-23, 25-27, 36-37, 39, 41-43 and 45-47, as now amended, is allowable because Ray et al. do not disclose each and every element of the recited invention.

Claim 1, as now amended, recites a method including performing auto focus on a plurality of groups of pixels by calculating a weighted average on the individual objects of said groups, and wherein identifying of face pixels is automatically performed by an image processing apparatus which receives a relative value as to an estimated importance of detected regions, and wherein the estimated importance of said detected regions of faces is based on at least one parameter including size of said faces or relative exposure of said faces, or both.

The Examiner has cited column 7, lines 40-44 in generally rejecting the features previously of claims 11 and 16. However, that section of Ray et al. disclose only

to focus on a preponderance of faces or on a largest face; the former implying that the focus will be set where the largest density of faces, i.e., number of faces per square inch, is found in an image, and the latter simply focusing on the largest face. In short, Applicants' invention, as set forth at amended claim 1, uses a weighted average and an estimated importance of detected regions is based on size of faces and/or relative exposure of faces, while Ray et al. merely select a focus position at being on the one largest face, or at some geometrical center of density of faces in the image neither of which includes Applicants' recited invention.

Claims 2-3, 12-13 and 15 are allowable as being dependent upon amended claim 1. Claim 25, as now also amended, is allowable for the same reasons as claim 1. Claims 26-28, 36-37 and 39 are allowable as being dependent upon amended claim 25.

Claim 17, as previously presented, requires identifying a face and determining its location within a digitally-detected image, and automatically adjusting the location of the face upon comparing the location with a desired location of the face. The Examiner cited column 4, lines 15-66 and column 6, line 57-column 7, line 44 in rejecting previous claim 20. However, those sections Ray et al. only disclose an algorithm for locating faces within a digital image, and do not disclose to automatically adjust the face locations from an initial location to a desired location within the digital image. Claims 18-19 are allowable as being dependent upon claim 17.

Claim 21, as now amended, requires identifying a face and determining its initial location within a digitally-detected image, and automatically providing an option for adjusting the location of the face upon comparing the initial location with a desired location of the face. The Examiner cited column 4, lines 15-66 and

column 6, line 57-column 7, line 44 in rejecting previous claim 20. However, those sections Ray et al. only disclose an algorithm for locating faces within a digital image, and do not disclose to automatically adjust the face locations from an initial location based on comparing the initial location with a desired location. Claims 22-23 are allowable as being dependent upon claim 17. Claims 41-43 and 45-47 are allowable for the same reasons as claims 17-19 and 21-23.

#### CLAIM REJECTIONS UNDER 35 USC 103

Claims 4-10 and 28-34 are rejected under 35 USC 103(a) as being unpatentable over Ray et al. in view of US published patent application no. 2003/0071908 to Sannoh et al. No combination of Ray et al. and Sannoh et al. teaches or suggests all of the elements of any of these claims. Claim 4 is allowable as being dependent from amended claim 1 for the reasons set forth above, and because no combination of Ray et al. and Sannoh et al. teach or suggests all of the limitations of claim 4. Claim 28 is allowable as being dependent upon amended claim 25 for the reasons set forth above with regard to claim 1, and because no combination of Ray et al. and Sannoh et al. teach or suggests all of the limitations of claim 25.

Claim 5, as now amended, requires manually removing an indication as a face of at least one of said plurality of groups of pixels detected as a face. Neither Ray et al. nor Sannoh et al. teach or suggest this feature. Sannoh et al. also do not teach or suggest the manual removal of faces, as required at each of claims 4-10 and 28-34. The Examiner cited Figures 6c-d and sections [0105] and [0108] of Sannoh et al., but those section only disclose an auto-focusing method and do not teach or suggest manually removing an indication as a face of at least one of the plurality of groups of pixels detected as a face. Claims 6-10 are allowable as being dependent from claim 5. Claim 29 is allowable for the same reasons as claim 5, and claims 30-34 are allowable as being dependent from claim 29.

With further regard to claims 6 and 30, Sannoh et al. also do not teach or suggest the manual removal of a false indication of a face. This advantageous feature allows a user to remove a false indication that some other object is to be considered as a face, e.g., for further processing.

In view of the above, it is respectfully submitted that the application is now in condition for allowance. The Examiner's reconsideration and further examination are respectfully requested.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 50-2019. A duplicate page is enclosed.

Respectfully submitted,

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Dated: August 13, 2007

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With further regard to claims 6 and 30, Sannoh et al. also do not teach or suggest the manual removal of a false indication of a face. This advantageous feature allows a user to remove a false indication that some other object is to be considered as a face, e.g., for further processing.

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